

## **NATURAL RESOURCES COMMISSION**

### **Meeting Minutes**

**January 3, 2007**

Pursuant to the notice duly filed with the Town Clerk, the meeting of the Natural Resources Commission was held in the First Floor Meeting Room, 141 Keyes Road, Concord, MA at 7:00 p.m. on Wednesday, January 3, 2007. The following Commissioners were present: Paul Feshbach-Meriney, Chair; Alexander Easterday; Stephen Verrill; Jamie Bemis; Monty Lovejoy; and Associate Commissioner George Lewis. Delia Kaye, Natural Resources Administrator, and Katie Holden, Natural Resources Assistant Administrator, were also present.

### **NEW APPLICATIONS:**

#### **CB RICHARD ELLIS – 696 Virginia Road / RDA # 06-24:**

Steven Brackett, CB Richard Ellis, appeared. This project consists of the maintenance and repair of a retention basin. The location of the dewatering system will be within a grassed area. The Commission discussed the following two special conditions: 1. A preconstruction site visit shall be scheduled with Natural Resources staff to review and approve erosion controls and the limit of work. 2. Instead of riprap the applicant shall work with Natural Resources staff to determine an alternative method for any bank stabilization necessary. Alexander Easterday moved to issue the following Finding: No determination as to the extent or location of any jurisdictional resource areas on this site is made for this filing. Future proposed work may require the delineation of all resource areas. Stephen Verrill seconded. All so voted. Alexander Easterday moved to issue a Negative #2 and #3 Determination with two special conditions. Monty Lovejoy seconded the motion. All so voted.

#### **NEW LIFE COMMUNITY CHURCH – 35 By-Pass Road / ANRAD –DEP File #137-909:**

Rich Kirby, LEC Environmental Consultants, Steven Meister, New Life Community Church, Brian Montejunas, Meridian Associates, and David Torrey, architect, appeared.

Rich Kirby stated the wetlands had been previously delineated in 1997 and 2003. The wetlands in the northwest portion of the property were not flagged for this ANRAD. Revised plans were submitted which reflect the wetland flags as revised in the field with Division of Natural Resources staff. Rich Kirby stated wetland data sheets would be submitted next week. The Commission asked that the 25-foot and 50-foot setbacks be shown on the plans.

Rich Kirby and Steve Meister discussed wetland restoration that occurred after a violation by the previous property owner. As part of this restoration, potential vernal pools were created. The Commission stated that the applicant would need to explore if these pools do provide vernal pool habitat and if they do, they would need to be certified per the Natural Heritage and Endangered Species Program. The Commission stated the vernal pool evaluation could be either part of this ANRAD or a future Notice of Intent filing.

Craig Self, abutter at 31 By-Pass Road, asked the applicant to clarify the changes in the wetland line from the previous delineations.

Rich Kirby stated the wetlands were larger with this delineation and he wasn't sure if soils had been considered for the previous delineation.

Sholeh Razavitousi, 19 By-Pass Road, asked about the location of the project in relation to her property.

The applicant stated they planned to submit a scaled down project plan from the previously proposed 18,000-square foot building.

Nancy Nelson, Minuteman National Historic Park, requested the applicant discuss the proposed entrance way with her. Nancy Nelson requested to attend the ANRAD site walk.

Members of the public also requested to attend the site walk. The Commission stated allowing the public on a site walk was at the discretion of the property owner. The applicant stated they would prefer a site visit with the Commission only, and stated they would consider a separate site visit with the public further. The Commission encouraged the applicant to obtain contact information from the interested public citizens to coordinate a site walk.

Craig Self, 31 By-Pass Road, asked about wetland boundary changes that were requested by Natural Resources staff. Rich Kerby reviewed these changes. Craig Self also asked what work is allowed in the buffer zone. The Commission stated Craig could discuss this further with Natural Resources staff.

The Commission stated they would discuss relocating the existing wooden posts, marking the old wetland line, to the 25-foot no disturb zone at the site visit.

Brian Montejunas asked if the applicant could discuss policies with the Commission regarding the future filing. The Commission stated they prefer to keep the filings separate and the Commission was comfortable with the applicant contacting the Natural Resources office to discuss that type of question.

A Commission site visit was scheduled for Thursday, January 11, 2007 at 3:30 pm at the site.

This hearing was continued to the January 17 meeting of the Natural Resources Commission.

#### **JMC REAL ESTATE TRUST – 231 Nashoba Road / NOI –DEP File #137-911:**

Bob Blanchette, Stamski and McNary, Inc. appeared. This project consists of the demolition of an existing house and construction of a new house. The wetlands were delineated by Dave Crossman of B & C Associates. The proposed limit of work is 50 feet from wetlands. The closest point of structure is a deck 61 feet from wetlands and an addition 71 feet from wetlands. The new house will be mostly within the existing house footprint except for 500 of additional impervious surface. One 4" crab apple tree will be removed.

Perrin Cohen, 55 Hosmer Road, requested the applicant clarify the location for stockpiling. The applicant stated that stockpiling will be outside the 100 foot buffer zone.

The Commission discussed the benefits of an infiltration strip versus a dry well. The applicant will submit revised plans with an infiltration strip.

This hearing was continued to the January 17 meeting at which time the Commission expects to close and issue an Order of Conditions with special conditions.

**MERIDIAN CONTRACTING, LTD – 38 Shore Drive / NOI –DEP File #137-910:**

Brett Manson and Scott Smyers, Oxbow Associates, Inc. appeared. Windsor Mallett, Meridian Contracting, Ltd., Bruce Saluk, Bruce Saluk & Associates, Inc., and Thomas Laage and Carmen Jacquier Laage, property owners, appeared. The project consists of the construction of an addition and renovations including retaining walls, stone stairway, pathways, and replacement of existing decks.

Revised plans were submitted. Brett Manson stated the project proposes removal of the top portion of the existing house in order to construct a 2<sup>nd</sup> floor and two additions. The project proposes to construct a foundation wall on south portion of house and fill to decrease the pitch of slope in front. Sonatubes will be used to support house near the wetlands and the closest sonatube is 29 feet to wetlands. The sonatubes will be hand dug.

Bruce Saluk stated stormwater currently flows towards White Pond. Bruce Saluk stated the roof drains would be tied to a large drywell located in front of the house to infiltrate stormwater which would improve the site.

Bruce Saluk stated crushed stone or pervious pavers would be used for a pathway in front of the house. Bruce Saluk discussed the construction sequencing for the project. The foundation wall and drywell will be installed first, then fill will be added and stabilized with jute netting, and afterwards construction access would occur on the east side of property. A back hoe would be used for regrading only in the front portion of the property.

Paul Feshbach-Meriney discussed concern of the proposed addition and importance of maintaining the 50-foot setback policy for new structures especially due to the steep slopes of White Pond.

Alexander Easterday asked if the applicant had explored different alternatives for the design of the house would move the house or addition further from the bank of White Pond.

Monty Lovejoy requested the applicant clarify the amount of impervious surface increase in the buffer zone.

Brett Manson stated the proposed addition will be on sonatubes and in the location of the proposed deck with a 1 foot addition beyond the deck. Brett Manson submitted information with the amount of impervious surface within 0-50 feet from wetlands. The project proposes an increase in the amount of impervious surface consisting of 7 square feet within the 25 foot wetland setback, 194 feet within 25-50 feet from wetlands, and 375 square feet in the 50-100 foot buffer. There will be a net increase of approximately 375 square feet of impervious surface within the 50 to 100-foot zone due to the house addition and stone stairway.

The project proposes to remove two oak trees in the outer buffer zone. The applicant clarified the proposed pine tree to be removed was from a previous filing and this revision is shown on the revised plans.

The project is within Priority Habitat of Rare Species. The applicant submitted information from Natural Heritage and Endangered Species Program which states the project occurs within or adjacent to the habitat of two threatened plant species.

Brett Manson stated the property owner is willing to remove invasive species on the property and replant with native species. Carmen Laage stated she is an organic gardener and plans to install native plantings that are beneficial to wildlife. No grass is proposed. A planting plan will be submitted.

The applicant stated the White Pond Advisory Committee is in support of the project.

Betsy Sluder, League of Women Voters representative, asked if the proposed house would require any changes to the existing septic system. The applicant stated the existing septic system is for a 3-bedroom house and that the proposed house is a 2-bedroom house. Brett Manson stated that the Board of Health had granted a variance to have the house closer to the septic system.

A Commission site visit was scheduled for Friday, January 19, 2007 at 3:30 pm at the site.

This hearing was continued to the February 7, 2007 meeting of the Natural Resources Commission.

### **CERTIFICATE OF COMPLIANCE REQUEST:**

#### **MCBRIDE – 1234 Monument Street – DEP File #137-377:**

Staff presented a request from John P. Morrison for a duplicate original Certificate of Compliance for DEP File #137-377. Monty Lovejoy moved to issue a duplicate original Certificate of Compliance for 1234 Monument Street. Alexander Easterday seconded the motion. All so voted.

#### **BROOKS – 279 Sudbury Road – DEP File #137-716:**

Staff presented a request from Michael Brook for a Certificate of Compliance for DEP File #137-377. DNR staff stated the work never occurred and the permit expired. Alexander Easterday moved to issue a Certificate of Compliance for 279 Sudbury Road. Jamie Bemis seconded the motion. All so voted.

#### **GOULDEN – 27 River Street – DEP File #137-527:**

Staff presented a request from Jean Goulden for a Certificate of Compliance for DEP File #137-527. Alexander Easterday moved to issue a Certificate of Compliance for 27 River Street. Stephen Verrill seconded the motion. All so voted.

## **OTHER BUSINESS:**

### **Minutes:**

Stephen Verrill moved to accept the November 15, 2006 minutes. Alexander Easterday seconded the motion. All so voted.

Alexander Easterday moved to accept the December 20, 2006 minutes as amended. Stephen Verrill seconded the motion. All so voted.

### **CCHS Playing Fields Discussion:**

Delia Kaye stated revised plans would be submitted next week.

### **Administrators Report:**

The Administrator's Report included the following discussion items:

- Sloan Appeal

- Minuteman National Historical Park Planning Workshop on February 4, 2007

- Shield System Car Wash

- Chamberlin Park

The meeting adjourned 9:15 p.m.

Respectfully submitted,

Katherine Holden, Natural Resources Assistant Administrator

Delia Kaye, Natural Resources Administrator